

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JULIE DALESSIO, an individual,  
  
Plaintiff,

v.

UNIVERSITY OF WASHINGTON, a  
Washington Public Corporation; ELIZA  
SAUNDERS, Director of the Office of  
Public Records, in her personal and official  
capacity; ALISON SWENSON, Compliance  
Analyst, in her personal capacity; PERRY  
TAPPER, Public Records Compliance  
Officer, in his personal capacity; ANDREW  
PALMER, Compliance Analyst, in his  
personal capacity; JOHN or JANES DOES  
1-12, in his or her personal capacity,  
  
Defendants.

No. 2:17-cv-00642-MJP

DECLARATION OF DEREK C. CHEN  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR A PROTECTIVE  
ORDER

**NOTED FOR HEARING: FRIDAY,  
DECEMBER 28, 2018**

I, Derek C. Chen, declare as follows:

1. I am one of the attorneys representing the Defendants in this lawsuit. I make this declaration based upon my own personal knowledge, upon facts which are admissible in evidence. I am competent to testify to the matters set forth in this declaration.

2. Counsel for Defendants, Jayne Freeman and Derek Chen, had extensive discussions with Plaintiff's counsel, Joe Thomas, via telephonic conferences and email (reflected in part in **Exhibit B** to this declaration) regarding what discovery Plaintiff's counsel believed he needed to oppose Defendants' Motion for Summary Judgment seeking dismissal of all claims. In one of the final conferences, Plaintiff's counsel finally stated he

1 needed responses to RFPs 16-23 from Plaintiff's Second Set of Discovery Requests. Each  
 2 of those requests, not served on Defendants until September 28, 2018, simply asked  
 3 Defendants to re-produce copies of thousands of documents the University had already  
 4 produced directly to Ms. Dalessio in response to her PRA requests for unrelated documents  
 5 about non-parties. Mr. Thomas conceded that his client had all of these records in her  
 6 possession but indicated that he had been unable to obtain copies of the documents from his  
 7 client over the nine months he had been representing her. Despite objecting to these  
 8 requests, and particularly to the relevance of the requests, Defense counsel provided that  
 9 information to Plaintiff's counsel prior to the date his opposition brief was due. In  
 10 anticipation of additional motions to compel, counsel for Defendants took these steps and  
 11 delayed filing their Motion for Summary Judgment to make sure there would not be any  
 12 objections based on lack of evidence—and there were not any and still are not.

13 3. Upon reviewing Bates range UW3005-4154, which is approximately 1,150  
 14 pages produced electronically in .pdf format, the documents pertaining to each individual  
 15 lawsuit are kept together and appear to be in alphabetical order. I was able to find the  
 16 documents Plaintiff referenced in her motion to compel, *Dkt. 136*, in under ten minutes  
 17 without an electronic search.

18 4. As Plaintiff stated in her motion to compel (*Dkt. 136*), the parties have had  
 19 several telephonic conferences regarding both of Plaintiff's sets of discovery, including, but  
 20 not limited to, August 23, 2018, September 17, 2018, and October 31, 2018. *See also*,  
 21 **Exhibit A** where Plaintiff's counsel states he will not agree to stay discovery.

22 5. The following exhibits are cited or relied upon in Defendants Motion for a  
 23 Protective Order:

24 A. Attached as **Exhibit A** is a true and correct copy of email  
 25 correspondence between myself, Joe Thomas, and attorney Jayne Freeman.

26 B. Attached as **Exhibit B** is a true and correct copy of email  
 27 correspondence between myself, Joe Thomas, and attorney Jayne Freeman.

1 Defendants have redacted Plaintiff's address out of an extreme abundance of  
2 caution given Plaintiff's prior attempts to bring Defendants into this lawsuit. If the  
3 Court wishes for Defendants to file an unredacted copy, Defendants will do so  
4 immediately.

5  
6 I declare under penalty of perjury under the laws of the State of Washington that the  
7 foregoing is true and correct to the best of my knowledge.

8  
9 DATED this 20<sup>th</sup> day of December, 2018, at Seattle, Washington.

10  
11 /s/ Derek C. Chen

12 Derek C. Chen, WSBA #49723  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**Attorneys for Plaintiff**

Mr. Joseph Thomas  
14625 SE 176th Street, Apt. N-101  
Renton, WA 98058-8994  
Telephone: (206) 390-8848  
Email: joe@joethomas.org

DATED: December 20, 2018

/s/ Jayne L. Freeman

Jayne L. Freeman, WSBA #24318  
Special Assistant Attorney General for  
Defendant  
801 Second Avenue, Suite 1210  
Seattle, WA 98104-1518  
Phone: (206) 623-8861  
Fax: (206) 223-9423  
Email: jfreeman@kbmlawyers.com